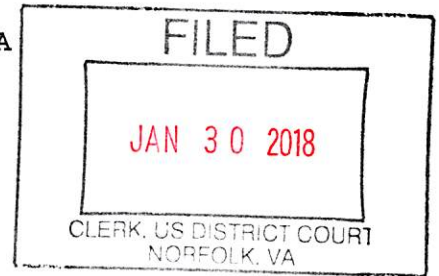


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



THOMAS SPARKS THOMAS, #305058,

Petitioner,

v.

ACTION NO. 2:17cv209

HAROLD W. CLARKE,

Respondent.

FINAL ORDER

Petitioner, an Arizona inmate with charges pending in Virginia, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Petitioner alleges violations of federal rights pertaining to Virginia's failure to extradite petitioner to face outstanding charges pending against him in the Circuit Court of Virginia Beach.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. The Report and Recommendation, filed December 21, 2017, finds that the claims alleged in Thomas' habeas petition are not cognizable under either 28 U.S.C. § 2254 or 28 U.S.C. § 2241, and further finds that dismissal is appropriate

pursuant to Younger abstention and due to Thomas' failure to exhaust his claims in state court. ECF No. 15 (citing Younger v. Harris, 401 U.S. 37, 41, 45-46 (1971)). The report recommends that Respondent's Motion to Dismiss be GRANTED, and the petition for a writ of habeas corpus be DENIED and DISMISSED. *Id.*

Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that Respondent's Motion to Dismiss (ECF No. 11) is GRANTED, and the petition for a writ of habeas corpus (ECF No. 1) is DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," and therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.

/s/ 

Mark S. Davis
United States District Judge

Mark S. Davis
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 30, 2018